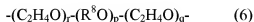


REMARKS

Claims 1-6, 9, 10 and 13-22 are now in the application. The specification has been amended at page 2 to correct an inadvertent typographical error in the referenced Japanese citation. Claim 1 has been amended to recite "wherein a content of the polycarboxylic acid copolymer having a polyalkylene glycol side chain containing an oxyalkylene group having 3 or more carbon atoms is 70% by weight or larger, relative to 100% by weight of the total polymer amount contained in the cement admixture". Basis for the amendment to claim 1 can be found on page 10, lines 12-21 of the specification. Claim 5 has been amended to recite "wherein (R³O)_m in the formula (1) is the following formula (6):



in the formula, R⁸ represents an alkylene group having 3 to 18 carbon atoms; r and q are average molar numbers of addition of oxyethylene groups, and each represents a number of 1 to 300; p represents an average molar number of addition of the oxyalkylene group, and is a number of 1 to 50, and r+p+q is a number of 3 to 300". Basis for the amendment to claim 5 can be found on page 31, line 31 to page 32, line 7; page 35, lines 2-6; Page 34, lines 5-10 and page 35, line 23 to page 37, line 34 of the specification. Newly presented claims 13 and 14 find support, for example, at page 6, lines 12-14 and page 16, line 19 to page 17, line 5, of the specification. Newly presented claims 15 and 16 find support, for example, at page 10, lines 12-21 of the specification. Newly presented claims 17, 19 and 21 find support, for example, at page 42, lines 27-35 of the specification. Newly presented claims 18, 20 and 22 find support, for example, at page 44, lines 12-31 of the specification. The amendments to the specification, claims and newly presented claims do not introduce any new matter.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Publication Application number 2003/0199616 to Yamashita et al.(hereinafter also referred to as "Yamashita"). Yamashita does not anticipate the present claims.

With respect to claim 1, as amended, the cement admixture (=admixture for cement) comprises two or more species of copolymers, and at least one of the copolymers is "a polycarboxylic acid copolymer having a polyalkylene glycol side chain containing an oxyalkylene group having 3 or more carbon atoms", and further, the content of this copolymer is now limited to "70% by weight or larger".

It is disclosed in the present specification that when the content of "the polycarboxylic acid copolymer having a polyalkylene glycol side chain containing an oxyalkylene group having 3 or more carbon atoms" is low, there is a possibility that dispersity of a cement composition can not be sufficiently improved (please see page 10, lines 17 to 21 of the specification). Therefore, the content is limited to 70% by weight or larger in claim 1 as amended.

Yamashita fails to suggest or disclose such a cement admixture.

Among the polymers disclosed in Yamashita, only the polymer (C-8) is "a polycarboxylic acid copolymer having a polyalkylene glycol side chain containing an oxyalkylene group having 3 or more carbon atoms", and, in any examples in which the polymer(C-8) is employed (i.e., Examples (28), (32), (36) and (40)), the content of the polymer (C-8) is less than 70% by weight (please see Table 9).

This means that the cement admixtures of Yamashita differ from the cement admixture of the amended claim 1 in the content of "the polycarboxylic acid copolymer having a polyalkylene glycol side chain containing an oxyalkylene group having 3 or more carbon atoms" and therefore Yamashita fails to disclose the features of the amended claim 1.

Regarding claim 3, according to the Office Action, Yamashita teaches the polymers of the cement admixture having a molecular weight of 10,000. However, in any examples disclosed in Yamashita, at most one of the polymers which constitute the cement admixture has a molecular weight of 20,000 or less (please see Production Examples 1-14, Tables 1-6, Tables B-10, etc.).

Namely, Yamashita does not disclose the feature of "polycarboxylic acid copolymer being constituted of two or more species of copolymers with a weight average molecular weight of 20000 or less".

With respect to claim 5, as amended, the polycarboxylic acid copolymer has the site having a polyalkylene glycol side chain in which EOs and AOs having 3 or more carbon atoms form an A-B-A structure.

Since an EO chain, a hydrophilic block, strongly manifests water-reducing property, and, an AO chain comprising AOs having 3 or more carbon atoms, a hydrophobic block, imparts more workability, the cement admixture of the amended claim 5 has excellent water-reducing property and excellent workability (please see page 32, line 31 to page 33, line 4, and, page 34, lines 5 to 10 of the specification).

In contrast, none of the polymers disclosed in Yamashita has a polyalkylene glycol side chain having such A-B-A structure.

Therefore the cement admixtures disclosed in Yamashita, which do not have the above described features, seem to fail to manifest excellent water-reducing property and excellent workability.

Yamashita fails to anticipate the present invention. In particular, anticipation requires the disclosure, in a prior art reference, of each and every recitation as set forth in the claims. *See Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985), *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986), and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 USPQ2d 1241 (Fed. Cir. 1986).

There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. 102. *See Scripps Clinic and Research Foundation v. Genetech, Inc.*, 18 USPQ2d 1001 (CAFC 1991) and *Studiengesellschaft Kohle GmbH v. Dart Industries*, 220 USPQ 841 (CAFC 1984).

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

Application No.: 10/578,574
Reply to Office Action dated June 9, 2009

Docket No.: 21581-00361-US1

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185, under Order No. 21581-00361-US1 from which the undersigned is authorized to draw.

Dated: September 8, 2009
BAA/prb

Respectfully submitted,

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